

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:11-CR-1108
	§	
BRUCE GUERRA	§	

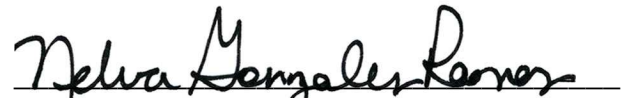
ORDER

Before the Court is Defendant Bruce Guerra's (Guerra's) Motion for Bench Warrant seeking a hearing on his federal revocation petition. D.E. 31. Guerra is currently in state custody, where he has been since January 2014.

Although there is an outstanding warrant for Guerra's arrest, the warrant has not yet been executed. Until the execution of that warrant, Guerra is not entitled to adjudication of the alleged violation of his supervised release. *See Moody v. Daggett*, 429 U.S. 78 (1976) (A parolee is not constitutionally entitled to a revocation hearing immediately upon the issuance of the violation warrant; even when the warrant has remained outstanding for more than ten years, no right to a revocation hearing accrues until the warrant has been executed and the parolee taken into custody.); *see also United States v. Tippens*, 39 F.3d 88, 90 (5th Cir. 1994). The warrant will remain pending until Guerra has served his state sentence, at which time he should be released to federal authorities for adjudication of the alleged violation of his supervised release. Guerra is not entitled to relief.

Accordingly, Guerra's Motion for Bench Warrant (D.E. 31) is DENIED.

ORDERED this 17th day of December, 2014.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE